

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARL ROBINSON,
Plaintiff,

v.

**THE COMMONWEALTH OF
PENNSYLVANIA, *et al.*,**
Defendants.

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CIVIL ACTION NO. 20-CV-4529

ORDER

AND NOW, this 22nd day of December, 2020, upon consideration of Carl Robinson's Application to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), *pro se* Complaint (ECF No. 2), "Amended Defendants to Count Three" (ECF No. 5), Statement (ECF No. 6), and Motion to Request Counsel (ECF No. 7), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Carl Robinson, #JX-3973, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of State Correctional Institution – Mahanoy or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Robinson's inmate account; or (b) the average monthly balance in Robinson's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Robinson's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court

equaling 20% of the preceding month's income credited to Robinson's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of State Correctional Institution -- Mahanoy.

4. The Complaint is **DEEMED** filed.

5. Robinson's Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.

6. Robinson's Motion to Request Counsel is **DENIED**.

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

s/ Michael M. Baylson

MICHAEL M. BAYLSON, J.